

Attorney's Guide to Filing a Civil Complaint

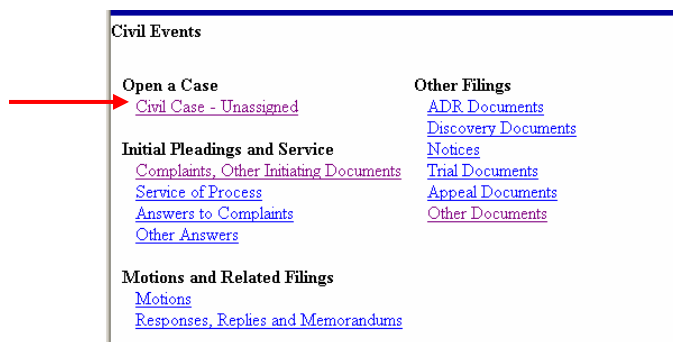
The court will accept complaints and accompanying documents (summonses) through ECF or conventionally (in paper). As of March 1, 2006, the court will no longer accept complaints via "CyberClerk."

This manual describes the procedures for filing a civil complaint through ECF.

1. Select **Civil** from the blue menu bar at the top of the ECF screen.



2. Select **Civil Case – Unassigned** under **Open a Case**.



3. The following screen appears:

A screenshot of the 'Open Unassigned Civil Case' form in the ECF system. The form has a title 'Open Unassigned Civil Case' in blue. Below the title, there are several input fields and a dropdown menu. The 'Office' field is a dropdown menu with 'Charlotte' selected. The 'Case type' field is a dropdown menu with 'cv' selected. The 'Case Number' field is a text box. The 'Date filed' field is a text box with the date '2/27/2006'. The 'Lead case number' field is a text box. The 'Association type' field is a dropdown menu with 'consolidated' selected. The 'Other court name' field is a text box. The 'Other court number' field is a text box. There is a checkbox labeled 'Related cases' which is currently unchecked. At the bottom of the form, there are two buttons: 'Next' and 'Clear'.

- a. The first section to fill in is **Office**. The United States District Court for the Western District of North Carolinas is divided into four (4) divisions, Asheville, Bryson City, Charlotte and Statesville. No matter what county, all **ASBESTOS** cases are assigned to the Asheville division. The divisions are comprised by county as follows:

ASHEVILLE DIVISION: if the defendant(s) reside in, or if the action on which the lawsuit is based occurred in one of the following counties, it is an Asheville Division Case: Avery, Buncombe, Burke, Cleveland,

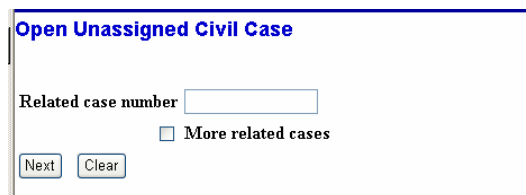
Haywood, Henderson, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania and Yancey counties. **ALL ASBESTOS CASES.**

BRYSON CITY DIVISION: if the defendant(s) reside in, or if the action on which the lawsuit is based occurred in one of the following counties, it is a Bryson City Division case: Cherokee, Clay, Graham, Jackson, Macon and Swain counties.

CHARLOTTE DIVISION: if the defendant(s) reside in, or if the action on which the lawsuit is based occurred in one of the following counties, it is a Charlotte Division case: Anson, Gaston, Mecklenburg and Union counties.

STATESVILLE DIVISION: if the defendant(s) reside in, or if the action on which the lawsuit is based occurred in one of the following counties, it is a Statesville Division case: Alexander, Alleghany, Ashe, Caldwell, Catawba, Iredell, Lincoln, Watauga and Wilkes counties.

- b. The next section is the **Case type** field. Select **cv** for a civil case or **mc** for a miscellaneous case.
- c. Do not fill in the **Lead case number** or change the **Association type**.
- d. **Other court name.** In the instance of a notice of removal, enter the name of the court, i.e. *Mecklenburg County Superior Court*.
- e. **Other court number.** Enter the state or county's case number.
- f. **Related cases.** Check this box **only** if there is a related case in our district and enter that case number in the appropriate box.



Open Unassigned Civil Case

Related case number

☐ More related cases

If there is more than one related case, after entering the first case number check the box before **More related cases** and enter the other case number(s). When you are finished entering related cases, click on **[Next]** to bring you back to the initial case opening screen.

You should now be finished with the initial case opening screen, check the information and click on **[Next]**.

4. Use the **civil cover sheet** as a guide in filling out the next screen. Note: it will not be necessary to attach the **civil cover sheet** in PDF form when attaching the case initiating document. Use the drop down boxes to select the appropriate information for each field.

DO NOT ENTER any information or change the information in the following fields: **Class action**, **Demand (\$000)**, **Arbitration code**, or **Date transfer**.

The screenshot shows the 'Open Unassigned Civil Case' form. A red box with the text 'DO NOT fill in these fields' has arrows pointing to the 'Class action', 'Demand (\$000)', 'Arbitration code', and 'Date transfer' fields. The form contains the following fields and values:

- Jurisdiction: 3 (Federal Question)
- Cause of action: 0 (No cause code entered)
- Nature of suit: 0 (zero)
- Origin: 1 (Original Proceeding)
- Citizenship plaintiff: (empty)
- Citizenship defendant: (empty)
- Jury demand: n (None)
- Class action: n
- Demand (\$000): (empty)
- Arbitration code: (empty)
- County: Anderson
- Fee status: pd (paid)
- Fee date: 2/27/2006
- Date transfer: (empty)

Buttons: Next, Clear

Click on the drop down box to change the **Fee status** as appropriate.

When finished entering the information click on **[Next]**.

5. **Adding Parties.**

- a. **Searching for a Party.** Designate if the party you are adding is a plaintiff, defendant or any other role by clicking on the radio button before the appropriate role. Then you must perform a search to see if your party is already entered on the ECF system. Type the first few letters of the party's last name for an individual, or the first few letters of the company name. Click **[Search]**.

The screenshot shows the 'Open Unassigned Civil Case' form for searching a party. It includes the following fields and controls:

- Search for a party (☐ Plaintiff ☐ Defendant ☐ Any)
- Last/Business name |
- Search Clear

If a match is found, ECF will display a list of party names. If the name of the party you represent appears in the list, click on it and then click **[Select name from list]**.

The screenshot shows a web form titled "Search for a party". It has a text input field for "Last/Business name" and two buttons: "Search" and "Clear". Below this is a section titled "Party search results" which contains a list box with three entries: "Smith, Joe", "Smith, John", and "Smith, John". At the bottom of the form are two buttons: "Select name from list" and "Create new party".

If a match is not found, or your party does not appear in the list, click **[Create new party]**.

The screenshot shows the same "Search for a party" form. The "Last/Business name" field is empty. The "Party search results" section now displays the text "No person found." Below this text is a single button labeled "Create new party".

ECF will display the following **Party Information** screen.

The screenshot shows a form titled "Party Information" for "Joe Smith". It contains numerous input fields and dropdown menus for personal and contact information, including Title, Role (set to "Defendant (dft:pty)"), Prisoner Id, Office, Unit, Address 1, Address 2, Address 3, City, State, Zip, County, Country, Phone, Fax, E-mail, and Party text. A "Start date" field is set to "2/27/2006". At the bottom, there are buttons for "Alias...", "Corporate parent...", "Review...", "Submit", "Cancel", and "Clear". A small note next to the "Review..." button states: "Add all aliases and corporate parents before clicking the Submit button."

When entering party information, please note the following:

- **Company:** enter the entire company name in the **Last name** field.

- **Individual:** fill out the **Last name, First name, Middle name, and Generation** (i.e. Jr., Sr., III) fields as appropriate.
- Parties should be entered in the manner in which they are captioned on the document being filed.
- **County or City:** enter in the **Last name** field the COUNTY or CITY first (i.e. Charlotte, City of or Mecklenburg County, etc.).
- **State:** use the two letter abbreviation (i.e. NC Attorney General, NC Department of Motor Vehicles, etc.).
- **Federal:** use US and the full name of agency (i.e. US Internal Revenue Service, US Small Business Administration, etc.)

Role: verify that the correct party role is entered in this box, if incorrect, please choose the correct party role from the drop down list.

Leave all other fields blank and when finished click **[Submit]**. This will bring you back to the **Search for a party** screen.

Alias: If the party has an alias, click on the **Alias** button.

Searching for an Alias. You would follow the same criteria for entering an alias name as you did for a party name.

After selecting an alias name or clicking on the **[Create new alias]** button, the following screen appears:

Below is a listing of the roles:

agent = agent of
 aka = also known as
 dba = doing business as
 fdba = formerly doing business as
 fka = formerly known as
 nee = born
 obo = on behalf of
 other = other
 rpi = real party in interest
 ta = trading as

Select the alias **Role** in the drop down box and click on **[Add alias]** this will take you back to the party information screen.

Corporate parent: Do not use. You are still required to file a corporate disclosure statement.

When you are finished adding all parties, click on the **[End party selection]** button. The case has now been assigned a case number and the following screen will appear:

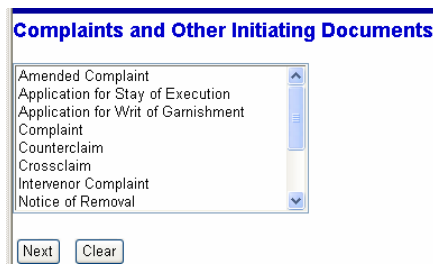


The screenshot shows a web interface with a blue header bar containing the text "Open Unassigned Civil Case". Below the header, the text "Case Number 06-12 has been opened." is displayed. At the bottom of the page, there is a purple hyperlink labeled "Docket Lead Event?".

6. Click on **Docket Lead Event?** to take you to the **Complaints and Other Initiating Documents** screen.

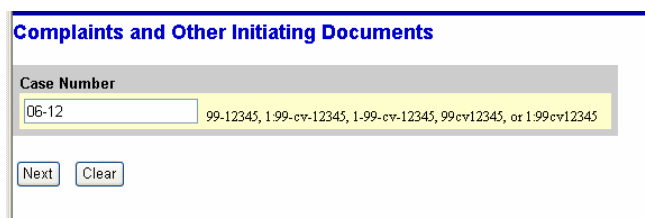


This screenshot is identical to the one above, showing the "Open Unassigned Civil Case" header, the case number "06-12", and the "Docket Lead Event?" link.



The screenshot shows a web interface with a blue header bar containing the text "Complaints and Other Initiating Documents". Below the header is a scrollable list box containing the following options: "Amended Complaint", "Application for Stay of Execution", "Application for Writ of Garnishment", "Complaint", "Counterclaim", "Crossclaim", "Intervenor Complaint", and "Notice of Removal". At the bottom of the list box are two buttons: "Next" and "Clear".

7. Select the appropriate case initiating document and click on **[Next]**.
8. Check the case number on the following screen and click on **[Next]**.



The screenshot shows a web interface with a blue header bar containing the text "Complaints and Other Initiating Documents". Below the header is a section titled "Case Number" with a text input field containing "06-12". To the right of the input field is a yellow box containing the text "99-12345, 1-99-cv-12345, 1-99-cv-12345, 99cv12345, or 1-99cv12345". At the bottom of the section are two buttons: "Next" and "Clear".

The system may identify more than one case with that number. Select the appropriate case by clicking on the box next to the case number. After the correct case number has been selected, click on **[Next]**.

Complaints and Other Initiating Documents

There is more than one case that matches the number entered; select the appropriate case below.

☐ 1:06-cv-00012 - Beetle v. Mac
☐ 3:06-cv-00012 - Smith v. Jones

9. On the next screen select the filer and click on **[Next]**.

Complaints and Other Initiating Documents

[3:06-cv-00012 Smith v. Jones](#)

Select the filer.

Select the Party:

Jones, Jeff [Defendant]
 Smith, Joe [Plaintiff]

[Add/Create New Party](#)

10. At this point the **Attorney/Party Association** screen appears. This screen defaults to create the association between the party and the attorney. If you **DO NOT** want to create the association, uncheck the boxes. The box before the "party" will put the attorney on the docket sheet. The box before "notice" will flag the attorney to receive e-notices. The box before "lead" puts "Lead Attorney" on the docket sheet. Click on **[Next]**.

Answers to Complaints

[3:06-cv-00066 Beetle v. Mac](#)

The following attorney/party associations will be created for the above case(s).

NOTE: If you DO NOT want to make the association, uncheck the box on the left.

☒ Larry P. Beetle (pty:pla) represented by Lucie Mack (aty) ☒ Lead ☒ Notice

11. Select the defendant(s). To select more than one defendant, press and hold down the **Ctrl** key and click on each of the desired parties or you can click on the radio button before "All Defendants." After selecting the defendants, click on **[Next]**.

Complaints and Other Initiating Documents
[3:06-cv-00012 Smith v. Jones](#)

Please select the party that this filing is **against**.

Select the Party: **OR** **Select a Group:**

Jones, Jeff [Defendant]
 Smith, Joe [Plaintiff]

[Add/Create New Party](#)
☒ No Group
☐ All Defendants
☐ All Plaintiffs
☐ All Parties

12. You are now ready to browse and attach your case initiating document. All documents that you intend to file in ECF **must** be in PDF format and 3 MB or less. ECF will not accept documents that are not in PDF format or more than 3 MB. Click on the **[Browse]** button. Navigate to the appropriate directory and file name to select the PDF document you wish to file. Highlight the file to upload to ECF. Once you have verified the document is correct, close Adobe Acrobat and click on the **[Open]** button. ECF closes the **File Upload** screen and inserts the PDF file name and location in the **Filename** box.

Attach any exhibits by clicking on the **Yes** radio button. Click on **[Next]**.

Complaints and Other Initiating Documents
[3:06-cv-00012 Smith v. Jones](#)

Select the **pdf** document (for example: C:\199cv501-21.pdf).

Filename

Attachments to Document: ☒ No ☐ Yes

Again, click on the **[Browse]** button. Navigate to the appropriate directory and file name to select the PDF document you wish to file. Highlight the file to upload to ECF. Once you have verified the document is correct, close Adobe Acrobat and click on the **[Open]** button. ECF closes the **File Upload** screen and inserts the PDF file name and location in the **Filename** box. Either select the appropriate category in the drop down box or type the description of the document in the “description” box. Then click on **[Add to List]**. If you are finished adding attachments, click on **[Next]**.

Complaints and Other Initiating Documents
[3:06-cv-00012 Smith v. Jones](#)

Select one or more attachments.
 1) Enter the pdf document that contains attachment (for example: C:\appendix.pdf).
Filename

2) At your option, select a document category, enter a description, and select a type.
Category **Description**

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

13. ECF will prompt you with the following question.

Complaints and Other Initiating Documents
[3:06-cv-00039 Wayne v. MacMurphy](#)

Do you have - or are you requesting - IN FORMA PAUPERIS status for this complaint
 OR are you filing on behalf of the USA Y/N?|

- a. If you are filing a motion to proceed in forma pauperis or a motion has previously been granted, enter a “y.” If the answer is “n” proceed to 13b.

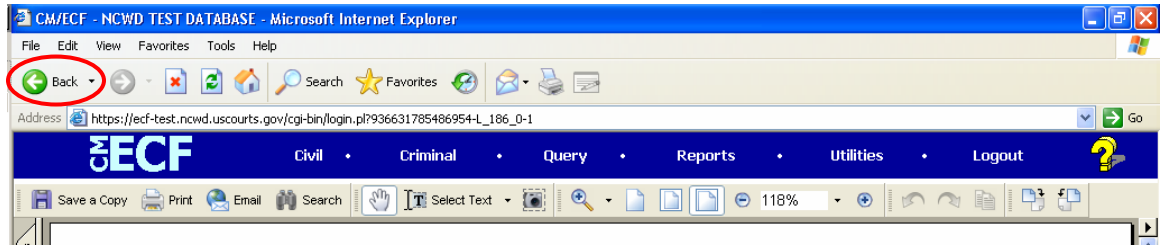
Click on the **Case Assignment Packet and Forms** on the screen shown below and print it out. This packet contains the consent to proceed before a magistrate judge form, consent form instructions, disclosure of corporate affiliations form, and certification and report of F.R.C.P. 26(f) conference and discovery plan.

Complaints and Other Initiating Documents
[3:06-cv-00012 Smith v. Jones](#)

USE THIS LINK TO RETRIEVE [CASE ASSIGNMENT PACKET AND FORMS](#).

REMEMBER TO FINISH YOUR DOCKET EVENT AFTER RETRIEVING FORMS BY USING THE [BACK](#) BUTTON OF YOUR BROWSER

After printing the document, **REMEMER** to finish your docket event by using the back button of your browser and then click on **[Next]**.



You are now presented with the **Docket Text** screen. Fill in any information in the “free-text” box you feel is necessary and click on **[Next]**.

- b. If you enter a “n” in the box in the above screen, you will be presented with screens to process payment of the civil case filing fee. The first screen states the fee amount, click on **[Next]**.

Complaints and Other Initiating Documents
[3:06-cv-00012 Smith v. Jones](#)

Fee \$350

Complaints and Other Initiating Documents
[3:06-cv-00012 Smith v. Jones](#)

Now loading the payment processing screen. This process might take a few seconds.

Fill in the required fields on the following **Online Payment – Step 1** screen and click on **[Continue with Plastic Card Payment]**.

Online Payment [Return to your originating application](#)

Step 1: Enter Payment Information 1 | 2

Pay Via Plastic Card (PC) (ex: American Express, Diners Club, Discover, Mastercard, VISA)

Required fields are indicated with a red asterisk *

Account Holder Name: attorney *

Payment Amount: \$250.00

Billing Address: 123 S Main *


Billing Address 2:

City:

State / Province:

Zip / Postal Code: 28202

Country: United States *

Card Type: * 

Card Number: * (Card number value should not contain spaces or dashes)

Expiration Date: / *

Select the "Continue with Plastic Card Payment" button to continue to the next step in the Plastic Card Payment Process.

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

Fill in the required fields on the following **Online Payment – Step 2** screen and click on **[Submit Payment]**.

Online Payment [Return to your originating application](#)

Step 2: Authorize Payment 1 | 2

Payment Summary [Edit this information](#)

| Address Information | Account Information | Payment Information |
|-------------------------------|---------------------------|-----------------------------------|
| Account Holder Name: attorney | Card Type: Visa | Payment Amount: \$250.00 |
| Billing Address: 123 S Main | Card Number: *****2222 | Transaction Date 02/28/2006 08:49 |
| Billing Address 2: | Expiration Date: 3 / 2008 | and Time: EST |
| City: | | |
| State / Province: | | |
| Zip / Postal Code: 28202 | | |
| Country: USA | | |

Email Confirmation Receipt

To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address:

Confirm Email Address:

Authorization and Disclosure

Required fields are indicated with a red asterisk *

I authorize a charge to my card account for the above amount in accordance with my card issuer agreement. ☐ *

Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted

Click on the **Case Assignment Packet and Forms** on the screen shown below and print it out. This packet contains the consent to proceed before a magistrate judge form, consent form instructions, disclosure of corporate affiliations form, and certification and report of F.R.C.P. 26(f) conference and discovery plan.

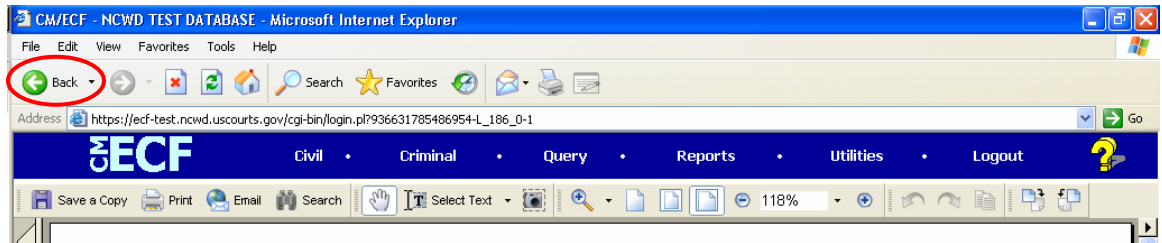
Complaints and Other Initiating Documents

[3:06-cv-00012 Smith v. Jones](#)

USE THIS LINK TO RETRIEVE [CASE ASSIGNMENT PACKET AND FORMS](#).

REMEMBER TO FINISH YOUR DOCKET EVENT AFTER RETRIEVING FORMS BY USING THE [BACK](#) BUTTON OF YOUR BROWSER.

After printing the document, **REMEMER** to finish your docket event by using the back button of your browser and then click on **[Next]**.



You are now presented with the **Docket Text** screen. Fill in any information in the “free-text” box you feel is necessary and click on **[Next]**.

Complaints and Other Initiating Documents

[3:06-cv-00015](#)

Docket Text: Modify as Appropriate.

COMPLAINT against Lucie Mac (Filing fee \$ 250 receipt number 127439.) , filed by
Lucie Mac. (attorney,)

14. After receipt of the case number, counsel should create a **separate** civil summons in pdf format for each named defendant using the AO440 form located on our webpage, and submit through CyberClerk. Counsel will receive a notice of electronic filing (NEF) of the summons, they should print the summons and serve with other case opening documents in accordance with Fed.R.Civ.P.4 and Local Rule 73.1(A)(2).